

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
DIVISION AT MEMPHIS

ROSALIND ROBINSON	)	
	)	CASE: _____
Plaintiff,	)	
	)	
v.	)	
	)	
THE TJX COMPANIES, INC., d/b/a	)	
T.J. MAXX,	)	
	)	
Defendant.	)	

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NOTICE OF REMOVAL

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Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, The TJX Companies, Inc. d/b/a T.J. Maxx (“TJX”) gives notice of the removal of this action from the Circuit Court of Shelby County, State of Tennessee, to the United States District Court for the Western District of Tennessee, Western Division at Memphis.

As grounds for this removal, Marshall states as follows:

1.

According to the Complaint, Rosalind Robinson (“Plaintiff”) fell while shopping in a T.J. Maxx store located in Memphis, Tennessee. Plaintiff alleges she suffered injuries as a result of the accident for which the named Defendant is liable in her premises liability claim. Plaintiff claims damages in the amount of \$250,000.00.

2.

Plaintiff is a resident of Shelby County, Tennessee while Defendant is a Massachusetts’ corporation whose principle address is 770 Cochituate Rd, Framingham, MA 01701-4666.

Therefore, complete diversity exists between the parties and the amount in controversy is in excess of \$75,000, in accordance with 28 U.S.C. § 1332.

3.

Accordingly, jurisdiction is conferred under 28 U.S.C. §1332. As this notice has exhibited, Plaintiffs and Defendants are citizens of different states as Plaintiff resides in Tennessee and Defendant is a Massachusetts corporation. Furthermore, Plaintiff's demand of \$250,000.00 is in excess of the \$75,000.00 Federal Jurisdiction requisite.

4.

This case is an action over which this Court has original jurisdiction under 28 U.S.C. §1333 and is one which may be removed to this Court by Defendant, TJX, pursuant to the provisions of 28 U.S.C. §1441(a) in that it is a civil action brought in a State court of which the district courts of the United States have original jurisdiction.

5.

Additionally, TJX was allegedly served. Therefore, the thirty (30) days have not expired since service of process and this Notice of Removal is timely filed as set forth in 28 U.S.C. § 1446(b).

6.

Pursuant to 28 U.S.C. § 1446(a), copies of all pleadings to date are attached as Collectively **Exhibit A**.

7.

TJX will provide notice to the Plaintiff of this Removal, through delivery of a copy of this Notice of Removal to their counsel of record, and to the Clerk of the Circuit Court for

Shelby County, through filing into the record therein a Notice of Filing Notice of Removal, pursuant to 28 U.S.C. § 1446(b).

8.

WHEREFORE, TJX respectfully requests that this Court take jurisdiction of this action, and that this case be removed from the Circuit Court for Shelby County, State of Tennessee, to this Court.

Respectfully submitted,

**LUTHER - ANDERSON, PLLP**

BY: /s/ Alaric A. Henry

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 28, 2022 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt, USPS mail and Email as follows:

Louis P. Chiozza, Jr.  
230 Adams Avenue  
Memphis, TN 3810  
[Lou@chiozalaw.com](mailto:Lou@chiozalaw.com)

**LUTHER-ANDERSON, PLLP**

BY: /s/ Alaric A. Henry